

Appeal Decision

Site visit made on 9 December 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/X3540/W/21/3277757

Land adjacent to 295 High Road, Trimley St Martin IP11 0RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Graham Brownlee (B&H Property Developments Ltd) against the decision of East Suffolk Council.
 - The application Ref DC/21/1902/OUT, dated 19 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is residential development with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is for outline planning permission with appearance and landscaping reserved for subsequent consideration. Accordingly, I have treated those elements of the submitted drawing that show the appearance of the proposed dwellings and some landscaping as indicative only.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area; and the effect on the living conditions of future occupiers of the proposed dwelling on Plot 1, with regard to privacy.

Reasons

Character and Appearance

4. The appeal site is an area of open land adjacent to a detached dwelling, No 295 High Road, on one side and an access road on the other side, which leads to a small number of dwellings behind the appeal site. The Trimley Memorial Hall building is located on the other side of the access road.
 5. The detached dwellings beyond No 295 on the same side of the High Road are of individual design and appearance, sited on generous plots with a good degree of set-back from the road frontage. Properties opposite the appeal site are bungalows of uniform appearance, which are also set well back from the road with large front gardens.
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6. In contrast to this general character and appearance, the two proposed dwellings would be sited on much smaller plots with little set-back from the plot frontages. Both dwellings would also be sited close to the side boundaries, resulting in a cramped and overdeveloped appearance, both in their own right and particularly by comparison to the layout of properties in the surrounding area. Moreover, both dwellings would be positioned considerably further forward than the neighbouring dwellings with frontages on High Road and the access road behind the appeal site. Consequently, the dwellings would be incongruous in the street scene due to their uncharacteristic siting and layout, and would be particularly prominent due to the open aspect of the appeal site next to the access road and open frontage of No 295.
7. While landscaping is a reserved matter, it would not be possible to sufficiently screen the site such that the uncharacteristic and incongruous appearance of the dwellings would not be readily apparent from surrounding views. Accordingly, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the surrounding area. As such, it is contrary to Policies SCLP5.7 and SCLP11.1 of the Suffolk Coastal Local Plan (2020), which seek to ensure that new development fits in with the existing neighbourhood layout and does not harm the character of the area.

Living Conditions

8. The side elevation of No 295 next to the appeal site includes first floor windows, apparently serving bedrooms. These would face towards the rear elevation and back and side gardens of the dwelling on Plot 1. While this relationship is not particularly unusual in a residential setting, the limited depth of the appeal site means that views from the upper floor windows would be directly towards the useable garden area of the proposed dwelling and at close range resulting from the limited separation. I acknowledge that these are bedroom windows, but nonetheless due to the proximity to the neighbouring garden views from them would be uncharacteristically close and direct.
9. Due to the height and proximity of these windows, boundary planting could have only a limited effect in mitigating direct views into the garden. The availability of views from the neighbouring habitable rooms would, I conclude, harmfully compromise the reasonable use and enjoyment of the proposed dwelling's garden through the loss of privacy. Consequently, the proposal is contrary to Policy SCLP11.2 of the Local Plan, which seeks to safeguard residential amenity.

Other Matters

10. I have had regard to the representations made by interested parties. These do not, however, raise any additional matters in relation to the main issues in this appeal that would lead me to reach a different overall conclusion.
11. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions¹ and it requires that plans and decisions should apply a presumption in favour of sustainable development². I have no

¹ Paragraph 2.

² Paragraph 11.

evidence to suggest that the Council cannot demonstrate a five year supply of housing land and the presumption is not engaged as a result. I am not aware of any substantive arguments that the most important policies for determining the application are out-of-date and I do not consider them to be so. Consequently, the presumption is not engaged.

12. While the proposal would help to meet the Framework's objective of boosting housing supply, this is not a sufficient reason to outweigh the harm and conflict with the development plan that has been found.

Conclusion

13. The proposal would result in material harm and is contrary to the development plan. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR